

FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

VINCENT G. PICKARD,
d/b/a FOUR SEASONS SALON,
RESPONDENTS

:
:
FINAL DECISION AND ORDER
95 BAC 087
:
:
:

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Vincent G. Pickard
d/b/a Four Seasons Salon
1220 12th Avenue
Grafton, WI 53024

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable. The respondents to this action neither contest nor deny the allegations against them and agree for the purposes of this action to the issuance of this Order.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Four Seasons Salon, 1220 12th Avenue, Grafton, WI 53024 is duly licensed as a barbering and cosmetology establishment in the state of Wisconsin (license number 23171). This license was first granted on January 5, 1994.

2. Vincent G. Pickard, is listed as the owner of Four Seasons Salon. As owner, Mr. Pickard was and is at all times relevant to this action responsible for compliance with chapter 454 of the Wisconsin statutes and chapters BC 2-4 of the Wisconsin Administrative Code.

3. On exact dates unknown, but at least on November 30, 1995, Four Seasons Salon was open and providing barbering and cosmetology services without a licensed barbering and cosmetology manager.

4. On or about November 30, 1995, Four Seasons Salon was open and providing manicuring services for customers without the use of a tuberculocidal agent to disinfect (or a FDA-registered sterilizer to sterilize) reusable manicure instruments.

5. In resolution of this matter, Mr. Pickard consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The conduct referred to in ¶ 4, above, constitutes a basis for the imposition of discipline pursuant to secs. 454.08(6) and 454.15(2)(i), Wis. Stats. and Wis. Admin. Code §§BC 2.06 and 4.10.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Four Seasons Salon is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Vincent G. Pickard shall pay to the Department of Regulation and Licensing a forfeiture of Five hundred dollars (\$500.00). Payment shall be made in four (4) installments of \$125.00 each on no later than the following schedule:

Payment #1: 3/1/97
Payment #2: 6/1/97
Payment #3: 9/1/97
Payment #4: 12/1/97

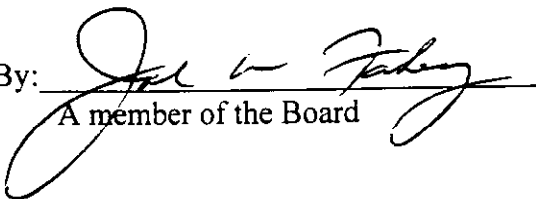
Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Michelle Neverman
Division of Enforcement
Post Office Box 8935
Madison, WI 53708.

IT IS FURTHER ORDERED that in the event Respondents fail to timely submit payment of the forfeiture as set forth above, the establishment license of Four Seasons Salon SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY BOARD

By: 
A member of the Board

2/3/97
Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST :	:	
	:	
VINCENT G. PICKARD,	:	STIPULATION
d/b/a FOUR SEASONS SALON,	:	95 BAC 087
RESPONDENTS	:	

It is hereby stipulated between Vincent G. Pickard, on behalf of Four Seasons Salon, and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (95 BAC 087). Mr. Pickard consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Pickard understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Mr. Pickard is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Mr. Pickard agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Pickard in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Vincent G. Pickard

Vincent G. Pickard

d/b/a Four Seasons Salon LTD

12 - 14 - 96

Date

Steven M. Gloe

Steven M. Gloe, Attorney

Division of Enforcement

12 - 20 - 96

Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On February 3, 1997, the Barbering and Cosmetology Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$500.00 Case # LS9610161BAC

Please submit a check or a money order in the amount of \$ Four Payments of \$125.00 each

The costs and/or forfeitures are due: Payment #1-3/1/97, #2-6/1/97, #3-9/1/97, #4-12/1/97

NAME: Vincent G. Pickard, d/b/a Four Seasons Salon LICENSE NUMBER: 23171

STREET ADDRESS: 1220 12th Avenue

CITY: Grafton STATE: WI ZIP CODE: 53024

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 INDIVIDUAL X ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:
See payment plan above.

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
GABDLS\FM2145.DOC

For Receipting Use Only

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Vincent G. Pickard,
d/b/a Four Seasons Salon,

AFFIDAVIT OF MAILING

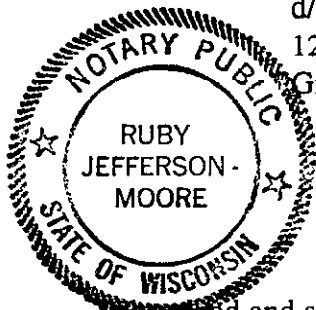
Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On February 4, 1997, I served the Final Decision and Order dated February 3, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9610161BAC, upon the Respondents Vincent G. Pickard, d/b/a Four Seasons Salon, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondents and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 302.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondents' last-known address and is:

Vincent G. Pickard,
d/b/a Four Seasons Salon
1220 12th Avenue
Grafton WI 53024



Subscribed and sworn to before me

this 4th day of February, 1997.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

February 4, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)